

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically at the time and date indicated, which may be materially different from its entry on the record.




Russ Kendig
United States Bankruptcy Judge

Dated: 03:12 PM December 16, 2021

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:)	Chapter 11
)	
Squirrels Research Labs LLC, <i>et al.</i>)	Case No. 21-61491
)	(Jointly Administered)
Debtor.)	
)	Judge Russ Kendig
)	
)	Related To Docket No. 69

ORDER APPROVING STIPULATION RESOLVING MOTION AND MEMORANDUM OF OHIO POWER COMPANY d/b/a AMERICAN ELECTRIC POWER (“AEP”) TO: (I) VACATE, AND/OR RECONSIDER, AND/OR MODIFY ORDER: (A) PROHIBITING UTILITIES FROM ALTERING, REFUSING OR DISCONTINUING SERVICES TO, OR DISCRIMINATING AGAINST, THE DEBTOR ON ACCOUNT OF PREPETITION INVOICES; (B) DETERMINING THAT THE UTILITIES ARE ADEQUATELY ASSURED OF FUTURE PAYMENT; AND (C) ESTABLISHING PROCEDURES FOR DETERMINING REQUESTS FOR ADDITIONAL ASSURANCE; AND (II) DETERMINE ADEQUATE ASSURANCE OF PAYMENT AS TO AEP

This matter is before the Court for approval of the *Stipulation* (the “Stipulation”) between Ohio Power Company d/b/a American Electric Power, a post-petition creditor in the above-captioned bankruptcy proceeding, and Debtor The Midwest Data Company LLC, resolving the

Motion of Ohio Power Company d/b/a American Electric Power To: (I) Vacate, and/or Reconsider, and/or Modify Order: (A) Prohibiting Utilities From Altering, Refusing or Discontinuing Services To, or Discriminating Against, the Debtor on Account of Prepetition Invoices; (B) Determining That the Utilities Are Adequately Assured of Future Payment; and (C) Establishing Procedures For Determining Requests For Additional Assurance; and (II) Determine Adequate Assurance of Payment (the “Motion”)(Docket No. 69).

The Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 1408 and 1409, the Court being fully advised in the premises, and good cause having been shown, it is

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. The Stipulation attached hereto at Exhibit “A” is hereby approved.
2. The Motion is deemed resolved and the hearing scheduled for December 28, 2022 at 2:00 p.m. on the Motion will be removed the Court’s docket.
3. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

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SUBMITTED BY:

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EXHIBIT “A”

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:)	Chapter 11
)	
Squirrels Research Labs LLC, <i>et al.</i>)	Case No. 21-61491
)	(Jointly Administered)
Debtor.)	
)	Judge Russ Kendig
)	
)	Related To Docket No. 69

STIPULATION RESOLVING MOTION AND MEMORANDUM OF OHIO POWER COMPANY d/b/a AMERICAN ELECTRIC POWER (“AEP”) TO: (I) VACATE, AND/OR RECONSIDER, AND/OR MODIFY ORDER: (A) PROHIBITING UTILITIES FROM ALTERING, REFUSING OR DISCONTINUING SERVICES TO, OR DISCRIMINATING AGAINST, THE DEBTOR ON ACCOUNT OF PREPETITION INVOICES; (B) DETERMINING THAT THE UTILITIES ARE ADEQUATELY ASSURED OF FUTURE PAYMENT; AND (C) ESTABLISHING PROCEDURES FOR DETERMINING REQUESTS FOR ADDITIONAL ASSURANCE; AND (II) DETERMINE ADEQUATE ASSURANCE OF PAYMENT AS TO AEP

Ohio Power Company d/b/a American Electric Power (“AEP”), a post-petition creditor in the above-captioned bankruptcy proceeding, and Debtor The Midwest Data Company LLC (“Debtor MWDC”) (AEP and Debtor MWDC collectively, the “Parties”), by and through their respective counsel, as reflected by the signatures of their respective undersigned counsel below, hereby agree to resolve the *Motion of Ohio Power Company d/b/a American Electric Power To: (I) Vacate, and/or Reconsider, and/or Modify Order: (A) Prohibiting Utilities From Altering, Refusing or Discontinuing Services To, or Discriminating Against, the Debtor on Account of Prepetition Invoices; (B) Determining That the Utilities Are Adequately Assured of Future Payment; and (C) Establishing Procedures For Determining Requests For Additional*

Assurance; and (II) Determine Adequate Assurance of Payment (the “Motion”)(Docket No. 69), as follows:

Recitals

1. On November 23, 2021 (the “Petition Date”), the Debtors commenced their cases under Subchapter V of Chapter 11 of the United States Code (the “Bankruptcy Code”) that are now pending with this Court. The Debtors continue to operate their businesses and manage their properties as debtors in possession pursuant to Bankruptcy Code sections 1107(a) and 1108.

2. On the Petition Date, Debtor MWDC filed the *Motion of Debtor and Debtor-In-Possession the Midwest Data Company LLC For a Final Order: (A) Prohibiting Utilities From Altering, Refusing or Discontinuing Services To, or Discriminating Against, the Debtor on Account of Prepetition Invoices; (B) Determining That the Utilities Are Adequately Assured of Future Payment; and (C) Establishing Procedures For Determining Requests For Additional Assurance* (Docket No. 4).

3. On December 1, 2021, the Court entered the *Order: (A) Prohibiting Utilities From Altering, Refusing or Discontinuing Services To, or Discriminating Against, the Debtor on Account of Prepetition Invoices; (B) Determining That the Utilities Are Adequately Assured of Future Payment; and (C) Establishing Procedures For Determining Requests For Additional Assurance* (the “Utility Order”) (Docket No. 41).

4. AEP provided Debtor MWDC with prepetition utility goods and/or services and has continued to provide Debtor MWDC with utility goods and/or services since the Petition Date.

6. On December 9, 2021, AEP filed the Motion. The hearing on the Motion is scheduled to take place on December 22, 2021 at 2:00 p.m.

Stipulation

7. The terms of the Utility Order shall not apply to AEP.

8. Within three (3) business days from entry of the Order approving this Stipulation, Debtor MWDC shall provide AEP with a one-month cash deposit in the amount of \$13,578 (the “Deposit”) as adequate assurance within the meaning of Section 366(c) of the Bankruptcy Code, and send it to the following person and address:

American Electric Power
Attn: Dwight C. Snowden
1 Riverside Plaza, 13th Floor
Columbus, Ohio 43215

9. Debtor MWDC shall pay all undisputed post-petition bills received from AEP for post-petition utility charges on or before the applicable due date on the invoice, which is a due date in accordance with applicable state laws, regulations and/or tariffs.

10. If Debtor MWDC no longer requires service at an account for any reason, including Debtor MWDC’s termination of services, a sale of Debtor MWDC’s assets, the Effective Date of the confirmed plan of reorganization in Debtor MWDC’s chapter 11 case or dismissal of Debtor MWDC’s chapter 11 case, Debtor MWDC shall promptly contact AEP to close the account. Upon being contacted to close the account, AEP shall promptly close the account and promptly refund the Deposit for that account once all final post-petition charges for that account are satisfied. If Debtor MWDC fails to provide such notice, Debtor MWDC shall remain administratively obligated to pay utility charges until AEP receives such written notice of termination of services from Debtor

MWDC.

11. This Stipulation may not be amended, supplemented or otherwise altered except by written agreement of the Parties.

12. The Parties agree that upon entry of an Order approving this Stipulation the Motion shall be deemed resolved and the hearing scheduled for December 28, 2021 at 2:00 p.m. on the Motion can be removed the Court's docket.

Stipulated and Agreed To By:

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